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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 9, 1999

## VIA MESSENGER

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554.

Re: Reply Comments  
WT Docket No. 99-266

Dear Ms. Salas:

Hughes Communications Galaxy, Inc., licensee of the Spaceway Ka band geostationary satellite system,<sup>1</sup> hereby replies to the comments filed in response to the Notice of Proposed Rulemaking<sup>2</sup> in the above-referenced docket.

As Hughes indicated in its Comments in this proceeding, satellite technology presents a cost-effective alternative to wireline and wireless telecommunications services in

<sup>1</sup> *Hughes Communications Galaxy, Inc.*, 13 FCC Rcd. 1351 (1997).

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serving tribal, rural and other unserved areas. Many commenters echoed this sentiment.<sup>3</sup> In addition, a significant number of the commenters, including several representatives of Indian tribes, made clear that the Commission's focus should not be only on voice communications, but also on ensuring that tribal lands have access to advanced broadband telecommunications capability.<sup>4</sup> Hughes's Spaceway Ka band GSO satellite system will serve this need, as it will provide broadband telecommunications service to the entire United States on a distance-insensitive basis.

However, as rightly noted by the Salt River Pima-Maricopa Indian Community, the traditional "barrier to the use of satellite services for telecommunications services in Indian Country is cost [and] [t]herefore, the Commission must consider carefully the impact of any regulatory actions on the cost structure of satellite services."<sup>5</sup> As Hughes discussed in its Comments, a key feature of Hughes's plan for Spaceway is to provide affordable, high-speed, broadband service to consumers and small office/home office users utilizing small dishes. In this

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<sup>2</sup> *Extending Wireless Telecommunications Services To Tribal Lands*, FCC 99-205 (rel. August 18, 1999) (the "NPRM").

<sup>3</sup> *See, e.g.*, Comments of the Satellite Industry Association; Joint Comments of the Salt River Pima-Maricopa Indian Community and the National Tribal Telecommunications Alliance at 13; Comments of Drs. Gitlin, Kilcoyne and Manson at 3-4. And contrary to the implication of the Comments of SkyBridge L.L.C., GSO FSS satellite systems are just as well equipped, if not better equipped given the high cost of NGSO FSS systems, to provide affordable satellite services to tribal and rural lands.

<sup>4</sup> *See, e.g.*, Joint Comments of the Salt River Pima-Maricopa Indian Community and the National Tribal Telecommunications Alliance at 8; Comments of American Association of Educational Service Agencies, *et al.* at 2-3; Comments of the Higher Education Parties at 2; Comments of the National Telephone Cooperative Association at 8;

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way, Hughes intends to make available broadband transmit/receive satellite services to a consumer population that, much like the tribal population, has been unable to access affordable satellite services.

Unfortunately, the Commission's tentative decision in the proceeding relating to the Ka band downlink spectrum,<sup>6</sup> if implemented, is one "regulatory action" that would severely and negatively "impact the cost structure of satellite services" that Spaceway intends to provide.<sup>7</sup> As explained more fully in Hughes's Comments, the Commission's proposal in the 18 GHz proceeding, by reducing the spectrum available to Spaceway and the other GSO FSS systems to utilize small dishes, would reduce the number of customers that Spaceway can serve and would increase the price of the Spaceway service for the remaining users. Of course, this increase in price would negatively impact the ability of customers in tribal lands to access Spaceway satellite services. None of the comments filed in this docket dispute this point.

Thus, Hughes repeats its request that the Commission consider the significant adverse impact on tribal and rural communities of its proposal in its 18 GHz proceeding and to

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<sup>5</sup> Joint Comments of the Salt River Pima-Maricopa Indian Community and the National Tribal Telecommunications Alliance at 13.

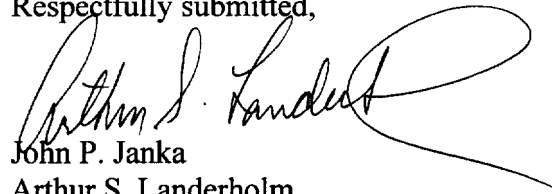
<sup>6</sup> *Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use*, FCC 98-235, ¶¶ 29-33 (rel. September 18, 1998).

<sup>7</sup> In addition, the Commission should also ensure that any waivers or rule changes that it provides to fixed and mobile users (e.g. increases in transmit power or antenna height) as a result of this proceeding do not impair the ability of satellite services to provide an alternative service.

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provide at least 1 GHz of bandwidth for use by ubiquitously deployed small Ka band earth terminals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Arthur S. Landerholm", with a large, stylized flourish extending to the right.

John P. Janka  
Arthur S. Landerholm  
of LATHAM & WATKINS  
Attorneys for Hughes Communications  
Galaxy, Inc.